

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ISAAC RICHEY,

Plaintiff,

-against-

ANN MARIE T. SULLIVAN, MD, in her Individual and
Official Capacity, NEW YORK STATE OFFICE OF
MENTAL HEALTH, NEW YORK STATE OFFICE OF
NICS APPEALS AND SAFE ACT, LI-WEN GRACE LEE,
M.D., Individually, CARMEN BARBER, Individually,
TONY TRAHAN, Individually, DOES 1-5 in their individual
capacities,

Defendants.

**ATTORNEY
DECLARATION**

1:23-cv-0344

AMN/DJS

Mark G. Mitchell, on the date noted below and pursuant to § 1746 of title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am an Assistant Attorney General in the office of LETITIA JAMES, Attorney General of the State of New York, attorney for Defendants Ann Marie T. Sullivan, M.D.; the New York State Office of Mental Health; the New York State Office of NICS Appeals and SAFE Act; Li-Wen Grace Lee, M.D.; Carmen Barber; and Tony Trahan in the above-captioned action. I am an attorney duly admitted to practice before this Court and am fully familiar with the proceedings had herein.

2. I make this Declaration in support of the motion to dismiss of Defendants Ann Marie T. Sullivan, M.D.; the New York State Office of Mental Health; the New York State Office of NICS Appeals and SAFE Act; Li-Wen Grace Lee, M.D.; Carmen Barber; and Tony Trahan.

3. Attached hereto as **Exhibit 1** is a copy of the written determination, dated July 28, 2022, which denied Plaintiff's application for a certificate of relief from disabilities related to firearm possession. This document is incorporated by reference in Plaintiff's Amended Complaint. ECF No. 39, ¶ 108.

WHEREFORE, the Court should grant the motion to dismiss of Defendants Ann Marie T. Sullivan, M.D.; the New York State Office of Mental Health; the New York State Office of NICS Appeals and SAFE Act; Li-Wen Grace Lee, M.D.; Carmen Barber; and Tony Trahan.

Dated: October 4, 2024
Albany, New York

s/ Mark G. Mitchell

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